

Regular Session Minutes – Selectmen’s Meeting
Selectmen’s Meeting Room, Town Hall
July 6, 2015, 7:30 p.m.

PRESENT: Mark Siegenthaler, Chair; Margot R. Fleischman; Caroline Fedele; William S. Moonan, Michael A. Rosenberg; and Town Manager Richard T. Reed

ALSO PRESENT: Ben Thomas, Finance Committee; Brandon Moss and John Flynn, Murphy, Hesse, Toomey, Lehane, LLP; Richard Aronovitz and Garrett Curtis, Lincoln Liquors; Barbara Purchia and Elaine Grace, Glass Cooperative; Town Engineer Adrienne St. John; DPW Director Roy Sorenson; Facilities Director Taissir Alani; Finance Director Victor Garofalo; Anna Swanson, the Bedford Minuteman; Meredith McCulloch, the Bedford Citizen; Lindsey Bullen, Administrative Assistant

Chair Siegenthaler called the meeting to order at 7:30pm.

16-01 Town Counsel Interview
Brandon Moss

Town Manager Richard Reed introduced Brandon Moss and John Flynn from Murphy, Hesse, Toomey, Lehane. Mr. Moss explained that he has been practicing municipal law since 2004 and has been with Murphy, Hesse, Toome, and Lehane since December 2007. Since he began with MHTL, he has worked on and off with Bedford on many different matters as outlined in the memo he provided to the Selectmen.

Mr. Rosenberg asked how Mr. Moss balances working on matters with different towns. Mr. Moss explained that he has perfected the balance over time and does not see it as a conflict since the demands of each community varies over time. He stated that it is common for an attorney to have multiple towns they work with and he would have fewer clients than Mr. Mangiaratti and Mr. Lehane worked with when each served as Town Counsel.

Mr. Moonan inquired about what the normal procedure is for the relationship between partners and senior associates. Mr. Flynn stated that all towns differ and explained that some towns expect a partner to sign off on an opinion while other towns do not. The partners do oversee the work of the attorneys.

Mr. Moss says that he has experience in many areas of municipal law and is both comfortable and confident that when something comes up he will be able to handle it. He stated that he also had resources in the office that can help.

Ms. Fleischman asked if Mr. Moss has taken any steps to review past legal work for the Town. He stated that he has met with those currently working on matters and that there is good communication within the office about what has come up in the past. He also can still use Mr. Lehane and Mr. Mangiaratti as resources.

Mr. Moonan inquired about why Mr. Moss has switched jobs multiple times. Mr. Moss explained that he was initially practicing nuclear law but he realized he liked to work with communities so he joined Murphy, Hesse, Toomey, and Lehane eight years ago to focus on municipal law.

Mr. Moonan moved to appoint Brandon H. Moss as Town Counsel for the year ending June 30, 2016. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

16-11 Election Workers Appointment

The Selectmen decided to move forward in the agenda to the appointment of election workers because it was too early to have the scheduled public hearings.

Ms. Fleischman moved to appoint the election workers as outlined in the June 16, 2015 memo by the Board of Registrars. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

16-05 Bedford Crossing Regulatory Agreement

As it was still too early to begin the public hearing, the Selectmen proceeded with discussing the regulatory agreement for Bedford Crossing.

Mr. Reed explained that the development at Bedford Crossing is also known as 54 Loomis Street. As part of the zoning bylaw for the Depot Park overlay district, there is a requirement that 15% of the units have to be affordable units. For the size of the development, this means two units need to be affordable. He further explained that to have them count as affordable units through the Department of Housing and Community Development, a Regulatory Agreement must be signed by the Selectmen and signed by the owner of the project. Staff and the Regional Housing Services Office reviewed the agreement.

Mr. Rosenberg asked when the project is expected to be completed. Mr. Reed stated November.

Mr. Rosenberg moved that the Selectmen recommend approval of the Regulatory Agreement for the Crossing at Bedford and authorize Chair Siegenthaler to sign it on behalf of the Selectmen. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

16-10 Review of Regional Transportation Priorities

The Selectmen began to discuss Regional Transportation Priorities before moving on to the Public Hearing at 8:00pm.

Mr. Reed explained that the Middlesex 3 Coalition has a transportation subcommittee that is trying to establish the region's transportation priorities. They have asked the nine communities that are participating to provide their five top priorities they see for the

region. Economic Development Coordinator Alyssa Sandoval reviewed Bedford's Master Plan and looked at the things that were identified as important to the community and region at large. The five projects identified were the Middlesex Turnpike Phase 3, implementation of the Great Road Master Plan, expansion of Middlesex 3 Transportation Management Association, bus rapid transit on US Route 3 North, and improvement of the interchange at Route 128/3 in Burlington. Mr. Reed explained that the last two priorities are on the list because traffic results in Bedford from people cutting through to avoid the Route 3 traffic.

Mr. Rosenberg questioned whether the Great Road Master Plan was a regional priority. He stated that it's only a regional corridor because people use it when there are problems with Route 3, so if that's improved then Great Road is not as much of a priority.

Ms. Fleischman discussed how Bedford ends up being a cut through due to the layout of the region highway in a common spoke system that provides few ways to travel north to south. She believes that is important to consider how Bedford can make the streets more livable for residents while dealing with regional transportation problems that cannot be solved easily.

The Selectmen agreed to revisit this matter later in the meeting.

**16-02 Public Hearing
 Alcoholic Beverage License Premise Modification
 Mall Liquors, Inc. d/b/a Lincoln Liquors
 170 The Great Road**

Mr. Rosenberg moved to open the Public Hearing for the Alcoholic Beverage License Premise Modification for Mall Liquors, Inc. d/b/a Lincoln Liquors. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

Richard Aronovitz of Lincoln Liquors was present to explain the premise modification. He explained that Lincoln Liquors is a family owned business that started out as Lincoln Discount Drugs. The business pays more than minimum wage, offers benefits, and requires every employee to take the TIPS training program. The storefront they are moving to in the Bedford Marketplace is around 8000 sq. ft. compared to the 2000 sq. ft. space now. They view it as necessary to be able to carry the whole variety of beverages that people are looking for now. Mr. Aronovitz says they may be into the new store in late August.

The Selectmen asked about whether a redemption center will be located on the site. Mr. Aronovitz said that there is nothing firm yet. He explained that it would take anything that has a deposit and they would try to give the full nickel back. In the past, Lincoln Liquors has given double back for community groups. He said it will take some trial and error to figure out how it will function. It will probably collect small quantities in the back of the store and large quantities will be dropped off in the rear. The current store has

reverse vending machines, which Mr. Aronovitz explained actually discourages redemption because no one wants to wait to feed them into the machine.

Mr. Siegenthaler asked for comments and questions from the public. None were made.

Mr. Rosenberg moved to close the Public Hearing. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

Mr. Moonan moved to grant an Alteration of Premise to Mall Liquors d/b/a Lincoln Liquors currently located at 170 The Great Road to the new 8000 sq. ft. retail space. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

**16-03 Change of Manager Request
 Mall Liquors, Inc. d/b/a Lincoln Liquors
 170 The Great Road**

Mr. Aronovitz was also present to discuss the change of manager request for Lincoln Liquors. Garrett Curtis will become the new manager. Mr. Curtis stated that he has not managed a store before, but he was the assistant manager at Genetti's and the owners lived in Florida at the time. When the store switched from Genetti's to Lincoln Liquors, the same staff was brought over and more will be hired when they move into the bigger store. Mr. Curtis said he lives in town and is familiar with Bedford.

Ms. Fleischman moved to grant the Change of Manager Request to Mall Liquors, Inc. d/b/a Lincoln Liquors and authorize Garrett Curtis as the new manager. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

16-10 Review of Regional Transportation Priorities

The Selectmen continued to review the regional transportation priorities as it was too early to begin the next scheduled public hearing.

Mr. Rosenberg asked whether the bikeway extension should be one of the local priorities. Mr. Reed explained that it is part of the bicycle pedestrian master plan. The Selectmen agreed to add it.

There was a discussion about improvements to the 128/Rt. 3 interchange and Mr. Reed shared some conceptual ideas that were identified at the Middlesex 3 Coalition meeting.

The Selectmen agreed to keep the transportation priorities list the way it was written and add the bikeway extension to the local priorities list.

**16-04 Public Hearing
 Alcoholic Beverage License Premise Modification
 Red Heat Tavern, LLC d/b/a Red Heat Tavern
 150 The Great Road**

Mr. Rosenberg moved to open the public hearing to discuss the Premise Modification for Red Heat Tavern, LLC d/b/a Red Heat Tavern. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Kevin Harron of Red Heat Tavern was present to explain the premise modification. He stated that this is the same floor plan the Zoning Board of Appeals reviewed and voted on. There have been changes from the original plan the Selectmen approved because of changes to the interior of the building when it was built.

Mr. Harron explained that the kitchen is now open so patrons can see what's going on. Ms. Fedele and Ms. Fleischman acknowledged the increase in larger tables which they believe will be helpful in accommodating groups.

As for a timeline for the restaurant to open, Mr. Harron said the underground plumbing permit has been approved. They are looking to open in early November.

Mr. Siegenthaler highlighted that there was an increase in outdoor seating on the new plan, which was an original concern by residents because of the noise, so he wanted Mr. Harron to keep that in mind. Mr. Harron explained that the concrete poured by the landlord for the patio was larger than what Red Heat planned for, which caused the need for more seating. The outdoor seating will have umbrellas on the tables and a fence around the patio.

Mr. Moonan expressed concern that around 48% of the seats are dedicated to alcohol service, making the restaurant border on being a bar that serves food rather than a restaurant that serves alcohol. He believes that there are many in Town who continue to think it is a bad idea, so he is representing those interests.

Mr. Siegenthaler asked if there were any comments or questions from the public.

Attorney and Bedford resident Pam Brown commented that seating in a bar area at high top tables is not dedicated exclusively to alcohol service.

Meredith McCulloch, resident and reporter for the Bedford Citizen, asked how many televisions would be in the restaurant. Mr. Harron stated that he believes there will be five.

Ms. Fleischman moved to close the Public Hearing. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

Mr. Rosenberg moved to approve the proposed Alcohol Beverage License Premise Modification for Red Heat Tavern. Ms. Fedele seconded the motion.

The motion passed 4-1-0. Mr. Moonan voted against.

**16-07 FY15 Reserve Fund and Interfund Transfers
 Facilities Energy Expenditures**

The Selectmen decided to begin discussion of this item as the meeting was ahead of schedule and representatives from the Glass Cooperative had not arrived yet.

Mr. Reed explained that in June, staff was expecting a few areas where reserve fund transfers may need to occur. One of those areas was the energy portion of the Facilities Department budget.

Facilities Director Taissir Alani explained that when the FY15 budget was prepared, utilities rates were lower. Staff anticipated this shortage since December 2013.

Mr. Alani went on to describe the reasons for the shortage. He explained that the Town's contract with Direct Energy has been shielding the Town from paying any winter reliability charges. This charge is regulated by the Federal Energy Regulatory Commission to charge during the winter for demand for electricity and natural gas. This winter was just too much for Direct Energy to absorb so it got passed on to the Town. That was an unanticipated expense.

He stated that another charge out of the Town's control is the capacity charge that utility companies apply to customers. If the capacity the customer uses exceeds the historical data of their use, the company is allowed to charge extra.

Another uncontrollable charge is one resulting from the variability of usage. Industrial and commercial accounts have a demand charge which results from documenting the scale of usage during the month to calculate the bill. The Selectmen asked whether there was a way to control peak demand. Mr. Alani explained that the only way is to educate staff about how to slowly turn on the energy. For example, he explained that not turning all the ovens on at the schools at once could prevent a peak from being so severe. The peaks are hard to control in a school environment.

Mr. Rosenberg moved to approve the Request for Reserve Fund Transfer from the Facilities Department not to exceed \$5000 in the Town Utilities line.

Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

**16-06 Glass Cooperative Lease – Bedford Depot
Exercise of Option to Extend**

Facilities Director Taissir Alani explained the Glass Cooperative's exercise of option to extend their lease. The rent is increasing by 2%. The Glass Cooperative has expressed their interest in staying in the space for many years.

Mr. Moonan asked about how the parking situation is in the lot. Barbara Purchia and Elaine Grace from the Glass Cooperative explained that it has been alright, but it can be hard to find a space, especially in the summer. Mr. Sorenson explained that the tenant signs are on order and will be installed on the front of the deck. There is also a sign directing visitors to the municipal lot.

Ms. Fleischman moved to grant the request of the Glass Cooperative to exercise the option to renew their lease from June 1, 2015 to December 31, 2016 with a 2% increase in the monthly rent. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

**16-07 FY15 Reserve Fund and Interfund Transfers
Public Works – Water Purchase**

The Selectmen returned to this item to discuss the Department of Public Works Water Purchase.

Finance Director Victor Garofalo explained the transfer request for \$282,021.96. The request is to transfer \$50,000 from the DPW's energy segregation account and \$232,021.96 from the Reverse Fund. The transfers require that the Finance Committee vote on it too. Under Massachusetts General Law, during the months of May and June transfers can be made between departments as long as the amount doesn't exceed 3% of the department's operating budget.

Mr. Sorenson explained the water purchase and how the budget is formed. He stated that the MWRA is Bedford primary water supply and the water is purchased from Lexington. The cost Bedford pays is the MWRA wholesale rate per million gallons times one percent plus a demand charge. The current wholesale rate is \$3,242 per million gallons. Over the last 3 fiscal years, the rate increased on average by 6.9%. For FY16, the rate is increasing by 7.7%. There are also commodity and demand charges that vary.

Mr. Sorenson went on to explain that over the past three years, the Town has purchased more water than the previous eight years due to factors such as weather, flushing, wellfields, irrigation, and the economy.

Mr. Moonan moved to recommend approval of the transfer of \$50,000 from the Energy Segregation account to the Water Purchase account. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Ms. Fleischman moved to recommend approval of the transfer of \$242,021.96 from the Reserve Fund to the Water Purchase account. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

16-08 Proposed FY16 Water and Sewer Rates

Mr. Garofalo explained that at the June 22nd Selectmen's Meeting, he and Mr. Sorenson gave predictions for what they thought the water and sewer rates would need to be. Since that time, they started to audit the Industrial/Commercial meters and identified an issue with the meter accuracy due to age. This changed the consumption calculation and therefore the proposed FY16 rates. Also, the MWRA sewer budgeted number had not been determined but now they know the amount.

Mr. Moonan asked how the R1 rate was determined and if there are households that receive that rate. Mr. Garofalo said there are households that use that amount and they tend to be smaller households. Mr. Reed stated that the amount of water was determined by considering what a reasonable amount of water would be for a household trying to conserve water and paying attention to their water consumption. The quantity has been established for around twenty years.

There was further discussion about the suggested rates and the reasons for the calculation of the rates.

Mr. Moonan moved to approve the FY16 water and sewer rates as follows:

Water			
1st Meter	Base*	\$35.00/yr. or \$17.50/billing cycle (6 months)	
	R1	\$1.50/100 cubic feet up to 2,000 cubic feet	
	R2	\$6.70/100 cubic feet over 2,000 cubic feet	
2nd Meter (Irrigation Rate)	Base	\$35.00/yr. or \$17.50/billing cycle (6 months)	
	R3	\$9.70/100 cubic feet for any used amount	
Sewer			
	Base*	\$45.00/yr. or \$22.50/billing cycle (6 months)	
	R1	\$3.40/100 cubic feet up to 2,000 cubic feet	
	R2	\$10.90/100 cubic feet over 2,000 cubic feet	
Industrial accounts receiving monthly bills will be charged the base charge twice a year for a 6 month billing cycle. There will also be a \$50.00/year fee for each sprinkler service.			

Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

**16-09 Contract Award
 Sabourin Field Lights
 Musco Sports Lighting – Oskaloosa, IA**

Town Engineer Adrienne St. John was present to discuss the proposed contract with Musco Sports Lighting for the Sabourin Field Lights. She explained that the lights need to be replaced because of concerns about the integrity of the current poles and lamps. The lights will be similar to those installed on E Field. Musco Sports Lighting monitors the lights themselves and will come out and change them when they need to be fixed, so the Town is not responsible for handling any of the maintenance. Musco was the only bidder and is the only company with a maintenance-free plan for the duration of the contract. The company was also used for the Page Field lights.

Ms. Fedele asked about how the lights are controlled. Ms. St. John explained that they will be programmed to go on and off at certain times as determined by the lights schedule that Recreation Director Amy Hamilton controls. If the lights need to be turned on for anything other than a schedule time, Amy can contact the company and they do it remotely. Musco can change the power supply to the lights, turn the strength up and down, and can monitor energy consumption.

Ms. Fleischman asked if the Town will see an energy savings with the new type of lights and the way they are operated. Ms. St. John explained that the new lights are more energy efficient because standards have increased.

Ms. St. John said they are trying to have the lights installed before football season starts.

Mr. Rosenberg moved to approve the contract agreement with Musco Sports Lighting for new lighting at Sabourin Field and Track for the amount of \$176,668. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

16-12 Town Manager's Report

Mr. Reed explained that the Town has gone out to bid for the Town Hall MEP Project and is currently evaluating the low bidder. The Town hopes to have a contract prepared for the July 20th Selectmen meeting. The project would be underway in September and proceed through early November. Most departments located on the first and second floor will have to be relocated to the Multi-purpose Room. There will be one trailer brought in to house the Town Manager's department. The Assessors will be able to stay in their office. The meeting rooms will be available to use at night.

He also stated that Bedford has received a Green Communities grant but the exact amount is not known yet. It will be applied towards continued street light conversion.

16-13 Open Discussion and Selectmen Liaison Reports

Ms. Fleischman explained that the Complete Streets Policy and Bicycle Pedestrian Master Plan draft recommendations will be presented soon to the Selectmen.

There was a discussion about a letter from Transportation Advisory Committee member Dan Silverman regarding the intersection of North Road and Chelmsford Road. Mr. Rosenberg asked why the letter came from an individual and not the committee. Ms. Fleischman explained that an RFP for engineering services was already put out, so the committee didn't want conflicting recommendations. What Mr. Silverman suggested is a possible short term fix until a more permanent solution is implemented.

Mr. Moonan explained that the Museum Study Committee has put together a draft report of their findings that will be presented to the Selectmen soon. He went on to discuss two properties that came to the Museum Study Committee's attention during the process. One is the Joshua Page House that Lorrie Dunham currently owns and is looking to sell. While it is not technically in the Historic District of Town, it may be worth preserving because it contains one of the largest collections of Rufus Porter murals. It could be used for the historical museum. Another option is George Swallow's house. It was originally a stable and was built in 1836. It is located in the Historic District. There is a modern garage in back that could be torn down for parking for Old Town Hall.

Mr. Moonan stated that he would like the Selectmen to consider when a restaurant goes from being a restaurant that serves alcohol to a bar that serves food. He questioned whether the Town wants to put a limit on that. He wants it to be something the Selectmen think about moving forward since he sees it as concern and believes Bedford has a persona to keep.

Mr. Rosenberg moved to adjourn the meeting. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

The meeting adjourned at 10:00PM.